



IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 1615
APPLICANT: Hartle et al.
SERIAL NO.: 10/763,053
FILED: 01/21/2004
CONFRM. NO.: 3795
FOR: DIMETALHYDROXY MALATE
FORTIFIED FOOD MATRICES
ATTORNEY DOCKET NO. 21422.CIP

CERTIFICATE OF MAILING

UNDER 37 C.F.R. § 1.8

DATE OF DEPOSIT: 11/29/05

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Brenda Wiseman
Brenda Wiseman

THORPE NORTH & WESTERN
8180 South 700 Ease, Suite 200
Sandy, Utah 84070

RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

In response to the office action mailed on August 29, 2005, enclosed herewith is a terminal disclaimer which should remove the obviousness-type double patenting rejection. As there are no other outstanding rejections or objections, it is respectfully requested that a notice of allowance be issued.

If any impediment to the allowance of these claims remains after consideration of these remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone the undersigned so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to
Deposit Account No. 20-0100.

Dated this 29th day of November, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary P. Oakeson", is written over a horizontal line.

Gary P. Oakeson
Attorney for Applicant
Registration No. 44,266

THORPE NORTH & WESTERN, LLP
8180 South 700 East, Suite 200
Sandy, Utah 84070
(801) 566-6633